

ORDINANCE NO. 1327-19

AN ORDINANCE OF THE CITY OF VALLEY CENTER, KANSAS, REPEALING THE PROVISIONS OF THE VALLEY CENTER CITY CODE BOOK CHAPTER 17.07, AND ALL CONFLICTING ORDINANCES, AND ESTABLISHING A NEW CHAPTER 17.07 ENTITLED "SIGN CODE."

NOW THEREFORE, BE IT ORDAINED, by the Governing Body of Valley Center, Kansas:

Section 1. 17.07.01 Purpose. The primary purpose and intent of this Code is to establish a comprehensive system to regulate signage in a legal and reasonable manner that promotes economic vitality, public safety, and ensures compliance with constitutionally protected First Amendment rights. The Code seeks to reduce subjectivity often encountered in the regulation of signage that is either based on aesthetics or lacking in substantiation by providing a set of quantitative and researched-based criteria to support restriction on signage that take into account minimum scientific requirements for providing signage that meets generally accepted safety standards for visibility, legibility and conspicuity. These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signage have the following specific objectives:

- A. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare;
- B. To allow and promote positive conditions for sign communication;
- C. To reflect and support the desired ambience and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;
- D. To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway; and
- E. To ensure that the constitutionally guaranteed right of free expression is protected.

All legally established signs existing at the time of adoption of this code, and all signs displayed hereafter, which are located on property within the corporate limits of the City of Valley Center ("City"), now or hereafter established, shall be subject to the provisions of this Code.

Section 2. 17.07.02 General Provisions.

- A. **Message Neutrality.** This Sign Code is created to establish a framework for a comprehensive and balanced system of content and viewpoint neutral regulation of Signs to facilitate communication between people while protecting the First Amendment rights of individuals and businesses and preserving and improving the quality of the city's environment by avoiding visual cluster harmful to traffic and pedestrian safety, property values, business opportunities and community appearance. It is the City's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs. To the extent that any provisions of these regulations are content-based, they are intended to further compelling governmental interests, including but not limited to:
 - 1. To allow the City and other governmental entities and utilities to erect or post traffic signs, signals, directional signs, and other warnings to protect vehicular and pedestrians without being subject to regulation, and/or

2. To allow property owners to post public interest signs to protect the safety of others, such as “no trespassing”, “home security system”, “roofer at work on property”, “neighborhood watch”, or “beware of dog”, and those legal notices required by court order or directive, all without being subject to regulation.

B. Regulatory and Administrative Interpretations. Interpretations of this Sign Code are to be made initially by the Zoning Administrator. All interpretations of this Code are to be exercised in light of message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this Sign Code, or when a sign does not qualify as a “structure” as defined in the building code as adopted by the City, then the Zoning Administrator, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Sign Code, in light of the policies stated in this Sign Code.

C. Message Substitutions. Subject to the private property owner’s consent, a Constitutionally protected noncommercial message of any category or content may be substituted, in whole or in part, for any allowed commercial message or any other protected noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any favoring of commercial speech over non-commercial speech, or favoring of any particular protected noncommercial message over any other protected noncommercial message. Message substitution is a continuing right which may be exercised any number of times. The substitution right applies to the sign owner and to any other message sponsor displaying any image on the sign with the owner’s consent.

D. Rules for Non-Communicative Aspects of Signs. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., shall be enforceable independently of any permit or approval process.

E. On-Site/Off-Site Distinction. Within this Code, the distinction between on-site (or on premise point-of-sale) and off-site (or off-premise non-point-of-sale) applies only to commercial speech messages.

F. Owner Consent. No sign may be displayed on real or tangible personal property without the consent of the legal owner of the property on which the sign is mounted or displayed.

G. Sign Rights and Duties. All of the rights, duties and obligations relating to all sign structures which are attached to real property, real or personal, and arising from this Code, attach to and travel with the land or other property on which that sign is mounted or displayed.

H. Safety Codes. In addition to the requirements of this Code, all signs displayed in the City must comply with all requirements for public safety including all applicable safety codes, such as, but not limited to, building, plumbing, electrical, mechanical, and fire codes. No sign may be illuminated via an extension cord providing electric power from a source separate from the sign structure.

I. Other Law. All signs displayed in the City must comply with the requirements of this

Code and the requirements of all other applicable law.

- J. Obscene Matter.** It shall be unlawful for any person to display upon any sign or other advertising structure or work of art any material (words, scenes or graphics) that are obscene, indecent, immoral or harmful to minors as defined within the meaning of K.S.A. 21-6401, as amended.
- K. Permit Requirement.** It is illegal to display any sign within the limits of the City without a sign permit, unless the particular sign is expressly exempted from the permit requirement by a section of this Code.
- L. Severance.** If any section, sentence, clause, phrase, word, portion or provision of this Code is held invalid or, unconstitutional, or unenforceable, by any court of competent jurisdiction, that holding shall not affect, impair or invalidate any other section, sentence, clause, phrase, word, portion or provision of this Code and shall be given effect without the invalid portion. In adopting this Code, the Governing Body affirmatively declares that it would have approved and adopted the Code even without any portion that may be held invalid or unenforceable.
- M. Indemnification.** The City of Valley Center, its officers, agents, and employees shall be held harmless against any and all claims resulting from the erection, alteration, relocation, construction, or maintenance of any signs legally allowed or permitted by this Sign Code.

Section 3. 17.07.03 Classification of Signs.

A. Classifications

1. **Advertising Sign.** A sign used to convey political and public service announcements.
2. **Billboard Sign.** A permanent outdoor advertising sign, twelve (12) square feet or larger in size, either freestanding on a pole or painted on a building, which directs attention to an object, product, place, activity, business, person or persons, service or interest on or off the premises being advertised.
3. **Bulletin Board Sign.** A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name or names of persons connected with it, and announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
4. **Monument Sign.** A low profile sign mounted directly to the ground and such that all structural braces and poles are encased or covered and shall not be visible.
5. **Business Sign.** A sign which directs attention to a business or profession conducted; or to a commodity or service sold, offered or manufactured; or an entertainment offered on the premises where the sign is located or to which it is affixed.
6. **Construction Sign.** A temporary sign indicating the names of designers and contractors involved in the construction of a project during the construction period and only on the premises on which the construction is taking place.
7. **Identification Sign.** A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.
8. **Nameplate Sign.** A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, their professional

status.

9. **Real Estate Sign.** A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof located thereon, including auction signs.
10. **Illuminated Sign.** A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its front.
11. **Electronic Message Sign.** A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper mat and also enable changes to be made to messages from locations other than at the sign, Electronic message signs shall be classified as animated, flashing, or moving signs when the rate of copy and/or graphic changes is more than one (1) change per second.
12. **Flashing Sign.** A sign with an intermittent or flashing light source. Generally, the sign's message, copy, or flashing pattern is constantly repeated.
13. **Variable Message Sign.** A sign that includes provisions, or the electronic or mechanical means for, message or copy changes. These signs may include changeable message or copy with letters and/or numbers mounted in or on a track system, time and temperature signs, electronic message signs, menu boards, signs with scrolling faces, and signs with rotating sections or panels (i.e., tri-vision and similar type displays).
14. **Yard Sign.** A sign that is typically made of a corrugated plastic on a metal frame that is pushed into the ground for purposes of advertising which directs attention to an object, product, place, activity, business, person or persons, service or interest on or off the premises being advertised.



B. Structural Types

1. **Awning, Canopy or Marquee Sign.** A sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by these regulations. No such sign shall project further below than seven feet from the ground level or beyond the physical dimensions of the awning, canopy or marquee.
2. **Ground Sign.** Any sign placed upon, or supported by, the ground independent of the principal or accessory buildings or structures on the property. Portable signs do not numerically count as ground signs for the district regulations.
3. **Banner Sign.** A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners.
4. **Pole Sign.** A sign that is mounted on a free-standing pole, the bottom edge of which sign is seven feet or more above ground level.
5. **Projecting Sign.** A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.
6. **Roof Sign.** A sign totally supported on the roof of a building which does not project more than twelve (12) inches beyond the face of the structure.

7. **Temporary Sign.** A sign in the form of a banner, pennant, valance or advertising display constructed of fabric, cardboard, wall-board or other lightweight materials, with or without a frame, yard signs, flags (not intended to include flags of any nation), twirling or sandwich type signs, inflatables, sidewalk or curb signs and balloons or other gas filled figures.
8. **Wall Sign.** A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than twelve inches from such building.
9. **Portable Signs.** Temporary on-site sign designed in such a manner as to be readily movable and not permanently attached to the premises, such as A-frames, trailer signs, signs placed on vehicles, beacon lights and other similar signs. Removal of any wheels shall not change the definition of being readily moveable.

Section 4. 17.07.04 General Standards.

- A. **Gross Surface Area of Sign.** The entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements lying outside the limits of such sign and which do not form an integral part of the display. When two or more signs are located on a zoning lot, the gross surface area of all signs on the lot shall not exceed the maximum gross surface per street frontage set by the applicable district regulations, except as is provided by Chapter 17.07.04.B. Signs on interior lots which may be viewed from both directions of the adjacent street are considered to have a single gross surface area.
- B. **Corner and Through Lots.** On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and through lots, restrictions that are phased in terms of the number of signs per zoning lot shall be deemed to permit the allowable number of signs to face each street or highway that abuts the lot.
- C. **Height of Sign.** The maximum height of signs shall be measured from ground level at the base of or below the sign to the highest element of the sign and shall be determined for purposes of Chapter 17.07 as independent from the maximum structure height for zoning districts.
- D. **Building and Electrical Codes Applicable.** All signs must conform to the structural design standards of any applicable building code. Wiring of all electrical signs must conform to any applicable electrical code.
- E. **Brightness Levels of Illuminated Signs.**
 1. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
 2. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device, or signal.
 3. Temporary signs shall not be illuminated.
 4. All other signage shall be allowed to have illumination provided, however, that nighttime illumination shall not exceed 0.3 foot candles above nighttime ambient lighting conditions upon an adjacent residentially zoned lot as measured at the property line, regardless of the illumination method. Signs using external illumination shall have

light sources that are fully shielded.

5. Signs shall be equipped with a mechanism to automatically adjust the display's illuminative brightness and shall be controlled by means of a light detector/photo cell.
6. Electronic message center signs shall be equipped with a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs.
7. Signs do not constitute a form of outdoor lighting at night.
8. Flashing or Moving Signs. No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which create the illusion of movement shall be permitted in a residential zoning district.

F. Metal and Nonmetal Signs. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of eight (8) feet. Accessory lighting fixtures attached to a nonmetal frame sign shall also maintain a clearance of eight (8) feet to grade. Metal or nonmetal signs, whether illuminated or not, shall maintain a clearance of at least seven (7) feet underneath awnings, canopies or marquees.

G. Access Way or Window. No sign shall block any access way or window required by any applicable building, housing, fire or other codes or regulations.

H. Signs on Trees or Utility Poles. No private sign shall be attached to a tree or utility pole whether on public or private property.

I. Traffic Safety.

1. No sign shall be maintained at any location where by reason of its position, size, shape or color; it may obstruct, impair, obscure, interfere with the view of, or be confused with; any traffic control sign, signal or device; or where it may interfere with, mislead or confuse traffic.
2. No sign shall be located in any vision triangle as defined in Chapter 17.02.09, except official traffic signs and signs mounted eight (8) feet or more above the ground whose supports, not exceeding two (2), do not exceed twelve (12) inches at the widest dimension and, thus, do not constitute an obstruction.

J. Location. No sign or structure thereof shall be permitted on a public right-of-way or public easement, except temporary real estate and garage sale signs may be placed on the public right-of-way with the approval of the adjacent landowner to provide direction to the property; provided, that such signs do not obstruct traffic visibility. Such signs may only be displayed during an open house or a garage sale and must be removed at the conclusion of such open house or sale. No sign shall be permitted in a public right-of-way or public easement, except with the approval of the Board of Zoning Appeals as a conditional use, or as a permitted use in the C-1 Central Business District when the lowest part of such sign is at least ten feet above the sidewalk area. (See Chapter 17.07.04.F. for clearance of metal and nonmetal Signs, Chapter 17.07.04.K.3 for portable signs, Chapter 17.07.05.A.5 for garage sale signs and real estate signs.)

K. Portable Signs. Notwithstanding any other provisions of these regulations and, in particular, Chapter 17.07, the following provisions apply to the use of portable signs:

1. A portable sign is defined as a temporary on-site sign designed in such a manner as to be readily movable and not permanently attached to the premises, such as A-frames, trailer signs, signs placed on vehicles, beacon lights and other similar signs. Removal of any wheels shall not change the definition of being readily moveable.

Any such sign at the top of the sign shall not exceed a height of ten (10) feet above grade level nor forty (40) square feet in gross surface area.

2. All portable signs shall be anchored or weighted to prevent wind damage. Proper maintenance of such signs is the responsibility of the permit holder with particular attention to the condition of the lettering, loose or missing parts and painted surfaces. Improperly maintained signs as determined by the Zoning Administrator shall have their permits revoked.
3. All the general standards of Chapter 17.07.04.A.-J. are applicable to portable signs, except that in Chapter 17.07.03.J., such signs may project over or be located on public easements, but not the public street right-of-way. No such signs shall be placed on the roof of structures.
4. Whereas portable signs are not required to set back any minimum distance from lot lines in any zoning district, the Zoning Administrator shall, in his or her discretion, strictly enforce the traffic safety provisions of Chapter 17.07.03.I.1, especially at corner intersections and driveway entrances and exits.
5. In all zoning districts, except residential districts, portable signs are permitted; however, any such sign shall not be located closer than fifty (50) feet to another such sign when measured along the frontage when the latter is located on the same zoning lot.
6. In all residential districts only portable signs are permitted which limit their messages to the following subjects:
 - a. Announcements of special occasions or activities of nonprofit organizations such as churches and fraternal and service clubs.
 - b. Announcements related to personal or family events such as "Happy Birthday" and the like.

The above signs are limited to a display period of not more than fifteen (15) days for any one (1) announcement with the gross surface area not to exceed thirty two (32) square feet and only one (1) sign at a time permitted on the premises of the party making the announcement.

7. In addition to the provisions of Chapter 17.07.04.D. and E., strobe light sources or flashing bulbs or signs which create the illusion of movement shall not be permitted on portable signs in any district. Electrified portable signs shall not be connected to any electrical power source except during the hours when the business, office or institution is open. Electrical lines shall not be permitted to lie on the ground where vehicular traffic or pedestrian passage is allowed and the use of extension cords for portable signs is prohibited. Ground Fault Circuit Interrupters (G.F.C.I.) are required on all electrified signs.
8. A zoning permit for each portable sign must be obtained for each thirty (30) day period or part thereof when the sign remains on the zoning lot. An applicant will be charged for each zoning permit, except that permits for nonprofit organizations will be issued for fifteen (15) days at no charge. A signed and dated letter of authorization from the owner of the property on which the sign is to be located shall accompany the application. No portable signs will be used as an advertising sign by the definition in Chapter 17.07.03.A.1.
9. No portable sign shall be displayed for a period exceeding thirty (30) days with a minimum of thirty (30) days elapsing between permits and not more than four (4) zoning permits for such a sign shall be issued to any applicant within the same calendar year. An applicant may be the owner of the zoning lot on which the portable sign is placed or agents for businesses or nonprofit organizations. A portable sign shall not remain visible on any zoning lot unless a valid permit has been obtained. All portable signs shall bear an identification marker to indicate the owners name and

some system of identifying the individual sign, e.g., by number.

10. Any unauthorized portable sign placed on public property, including the public street right-of-way, is declared to be a public nuisance and be the cause of its removal and impoundment without notice. If not redeemed within thirty (30) days by the owner paying a service charge, the City may dispose of the sign in any manner deemed appropriate. The Zoning Administrator may revoke the permit for any sign deemed to be in violation of this section, Chapter 17.07.04.K., or of any condition on which the permit was based and order its removal within a reasonable period consistent with public safety.

L. Temporary Signs.

1. A temporary sign, as defined in 17.07.03.B (Structural Types), must be displayed on the premises of the petitioner.
2. Seasonal or holiday signs shall always be considered as temporary signs.
3. Temporary signs shall obtain a permit under the provisions of Chapter 17.07.07. Time limits for display of temporary signs shall be specifically stated on the sign permit.
4. Temporary signs shall not be displayed not more than four (4) times per calendar year, with each display not exceeding thirty (30) consecutive days, and not more than a total of one hundred and twenty (120) days in one (1) year. A separation of at least seven (7) days must occur between permits.
5. Temporary signs shall not exceed thirty two (32) square feet in gross surface area. The number of temporary signs on a single permit shall not exceed one (1) sign for every one hundred and ten (110) feet of street frontage.

M. Banner Signs. Notwithstanding any other provisions of these regulations and in particular 17.07, the following provisions apply to the use of banner sign:

1. A maximum of three (3) banner signs are allowed, all of which are completely attached to a building.
2. No zoning permit is required. (See Chapter 17.07.03.B.3 for Banner Signs as structural types.)

N. Fireworks Stand Signage. Each fireworks stand is limited to a maximum of three (3) signs advertising the stand with a combined sign area of two hundred and sixteen (216) square feet. No off-site fireworks signs are allowed.

Section 5. 17.07.05 Exemptions.

A. The following signs shall be exempt from the requirements of this Code:

1. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
2. "Wayfinding" signs installed by the City of Valley Center within the public right-of-way of major thoroughfares, for the purpose of identifying public buildings (such as schools, city hall, library, or post office), recreational areas, and the downtown business district.
3. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, when displayed on private property.
4. Small signs, not exceeding five (5) square feet in gross surface area displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances and the

like.

5. Address numerals and other signs required to be maintained by law, rule or regulation; provided that the content and size of a sign does not exceed such requirements.
 6. Garage sale signs not exceeding four (4) square feet in gross surface area, as long as they are not within the public right-of-way and are not hindering on-coming traffic at intersections subject to vision triangle regulations in 17.02.09.
 7. Memorial signs which are displayed on private property.
 8. Scoreboards in athletic fields or stadiums.
 9. Political campaign signs, either in the form of a yard sign or a sign not exceeding thirty two (32) square feet in gross surface area. Political campaign signs may be placed in the public right-of-way as long as they do not violate the vision triangle regulations set forth in Chapter 17.02.09. Such signs may be erected up to forty five (45) days prior to an election and must be removed within forty eight (48) hours after a candidate is elected to office or is eliminated from further participation in the election as a candidate with similar provisions for bond issues and other ballot issues. Such signs may also be displayed as advertising signs where permitted by Chapter 17.07.06.
 10. Ideological yard signs such as may pertain to religious or political expressions or personal beliefs when located on private property of the proponent and not otherwise in a public right-of-way, a sight obstruction in a vision triangle, or on public property or structures, such as utility poles. Such signs cannot be displayed more than forty five (45) consecutive days in a calendar year.
 11. Estate sale signs, provided they are not greater than sixteen (16) square feet in size, can be located at the entrance to a plat and on the property where the sale will occur, and limited to seven (7) days on display.
- B.** The following signs are exempt from the zoning permit requirements of Chapter 17.07.07, but shall comply with all of the other regulations imposed by this Section:
1. Nameplate signs not exceeding two square feet in gross surface area accessory to a residential building, including all types of manufactured and mobile homes.
 2. Identification signs not exceeding thirty two (32) square feet in gross surface area accessory to a multiple-family dwelling.
 3. Bulletin board signs not exceeding thirty two (32) square feet in gross surface area accessory to a church, school, or public or nonprofit institution.
 4. Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
 5. Real estate signs not exceeding six (6) square feet in gross surface area and which pertain to the sale or lease of the lot or tract or structure on which the sign is located, except for the provision of Chapter 17.7.04.I.
 6. A yard sign that displays the name of the contractor who was issued a permit for any type of construction or remodeling work (roof, window replacement, addition, etc.) will be allowed from the date of the building permit has been granted by the City until fourteen (14) days after completion, at which time the sign must be removed.

Section 6. 17.07.06 Prohibited Signs.

The following signs are prohibited in the Corporate Limits of the City of Valley Center:

- A. Yard signs**, as defined in 17.07.03, other than those entities that are exempt from the provisions of this ordinance in sections 17.07.04.L. (Temporary Signs) and 17.07.05. (Exempt Signs).
- B. Billboards**, as defined in 17.07.03.
- C. Signage on a Truck**, An advertising sign attached or painted on a truck or truck trailer which is parked on a property not associated with the business being advertised.

Section 7. 17.07.07 Sign Permits. No sign, except for signs listed in 17.07.05, shall be constructed, erected, enlarged, relocated, or structurally altered until a zoning permit for such sign has been obtained in accordance with the procedure set out in Chapter 17.09 of these regulations. No zoning permit for any sign shall be issued unless the sign complies with all regulations of Chapter 17.07.

Section 8. 17.07.08 Zoning District Regulations.

A. A-1 Agricultural District and RR-1 Suburban Residential District

1. Functional Types Permitted:

- a. Advertising signs
- b. Bulletin board signs
- c. Business signs pertaining to agricultural products produced on the premises, home occupations, and other businesses
- d. Construction signs
- e. Identification signs
- f. Nameplate signs
- g. Real estate signs

2. Structural Types Permitted:

- a. Ground signs
- b. Monument signs
- c. Pole signs-only allowed along North Broadway Avenue
- d. Wall signs

3. Number of Signs Permitted: One of each functional type per zoning lot

4. Maximum Gross Surface Area:

- a. Advertising signs: 300 square feet
- b. Bulletin board signs: 40 square feet
- c. Home occupations: 4 square feet or the minimum required by state statutes
- d. Agricultural signs: 20 square feet
- e. Construction signs: 20 square feet
- f. Identification signs: 15 square feet
- g. Nameplate signs: 2 square feet
- h. Real estate signs: 12 square feet
- i. Other businesses not listed: 150 square feet

5. Maximum Height: 15 feet, except 20 feet for advertising signs

6. Monument sign: Maximum width of 5 feet, maximum length of 15 feet

7. Required Setback: None

8. Illumination: Illuminated signs shall be permitted and conform to the illumination standards set forth in Chapter 17.07.04.E.

B. R-1A, R-1B, R-2, and R-3 Residential Districts and MH-1 Manufactured Home Park District

1. Functional Types Permitted:

- a. Bulletin board signs
- b. Business signs pertaining to home occupations
- c. Construction signs
- d. Electronic message signs (non-residential uses only)
- e. Identification signs
- f. Nameplate signs
- g. Real estate signs

2. Structural Types Permitted:

- a. Ground signs
- b. Monument signs
- c. Wall signs
- d. Business signs pertaining to home occupations shall be affixed flush to the wall of a building

3. Number of Signs Permitted: One of each functional type per zoning lot except schools that may have more than one identification sign attached to the structure

4. Maximum Gross Surface Area:

- a. Business signs pertaining to a home occupation: 4 square feet or the minimum required by state statutes
- b. Construction signs: 40 square feet
- c. Nameplate signs: 2 square feet
- d. Real estate signs: 6 square feet per lot; provided, that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on such development. Such sign shall be removed when 90% of the lots in the subdivision have been sold.
- e. For non-residential uses other than those licensed by the Kansas Department of Health and Environment, apartment/condominium complexes, or a subdivision identification sign: 32 square feet

5. Maximum Height:

- a. 15 feet; provided, that signs associated with one and two-family dwellings and all types of manufactured and mobile homes shall not be located at a height greater than 8 feet above ground floor elevation.
- b. Monument sign: Maximum width of 5 feet, maximum length of 15 feet

6. Required Setback: 10 feet from the front lot line, except temporary real estate and garage sale signs, and none from the side yard setbacks

7. Illumination: Illuminated signs shall be permitted and conform to the illumination standards set forth in Chapter 17.07.04.E.

C. C-1 Central Business District

1. Functional Types Permitted: Any type listed in Chapter 17.07.03.A.

2. Structural Types Permitted: Any type listed in Chapter 17.07.03.B., except for pole signs

3. Number of Signs Permitted: One of each functional type per zoning lot

4. Maximum Gross Surface Area: 3 square feet of sign area for each 1 foot lineal street frontage; provided, no single sign shall exceed a gross surface area of 100 square feet, except for advertising signs that shall not exceed 200 square feet, and for a monument sign, a maximum width of 5 feet, and a maximum length of 15 feet.

5. Maximum Height: 30 feet, except that roof signs may not exceed a height of 5 feet above the highest point of the roof line

6. **Required Setback:** No minimum required
7. **Illumination:** Illuminated signs shall be permitted and conform to the illumination standards set forth in Chapter 17.07.04.E.

D. C-2 General Business District

1. **Functional Types Permitted:** Any type listed in Chapter 17.07.03.A.
2. **Structural Types Permitted:** Any type listed in Chapter 17.07.03.B.
3. **Number of Signs Permitted:** One of each functional type per zoning lot.
4. **Maximum Gross Surface Area:** Two square feet of sign area for each 1 foot lineal street frontage; provided, no single sign shall exceed a gross surface area of 150 square feet, except for advertising signs that shall not exceed 200 square feet, and for a monument sign, a maximum width of 5 feet, and a maximum length of 15 feet.
5. **Maximum Height:** 30 feet, except that roof signs may not exceed a height of 5 feet above the highest point of the roof line
6. **Required Setback:** No minimum required
7. **Illumination:** Illuminated signs shall be permitted and conform to the illumination standards set forth in Chapter 17.07.04.E.

E. I-Industrial District

1. **Functional Types Permitted:** Any types listed in Chapter 17.07.03.A.
2. **Structural Types Permitted:** Any types listed in Chapter 17.07.03.B., except for pole signs unless located along North Broadway Avenue
3. **Number of Signs Permitted:** No limitation
4. **Maximum Gross Surface Area:** 3 square feet of sign area for each 1 foot lineal street frontage; provided, no single sign shall exceed a gross surface area of 200 square feet, except for advertising signs that shall not exceed 672 square feet, and for a monument sign, a maximum width of 5 feet, and a maximum length of 15 feet.
5. **Maximum Height:**
 - a. Wall and roof signs: 5 feet above the highest point of the roof line on which such sign is located
 - b. All other signs: 30 feet
6. **Required Setback:** No minimum required
7. **Illumination:** Illuminated signs shall be permitted and conform to the illumination standards set forth in Chapter 17.07.04.E.

Section 9. 17.07.09 Sign Maintenance.

- A. All signs or portions thereof that are not maintained in good repair, are no longer used for advertising purposes, or are no longer clearly legible, and accessory signs that no longer advertise the business conducted on the premises, shall be brought into compliance with this section or removed.
- B. Prior to the issuance of a citation for a violation of sign maintenance, the City Code Enforcement Officer shall first serve thirty (30) days prior written notice of the violation upon any person or persons who were cited for the violation. The written notice shall notify such person(s) of the apparent violation of sign maintenance and state that the violation must be abated within thirty (30) days or else a citation for the violation may be issued to such person(s) by the City.

Section 10. 17.07.10 Removal of Abandoned, Illegal, Nonconforming, or Obsolete Signs.

- A.** The following provisions shall apply for the removal of abandoned, illegal nonconforming, or obsolete signs:
1. Any sign that is located on a property which becomes vacant and unoccupied for a period of thirty (30) days shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed within thirty (30) days after notification by the Code Enforcement Officer. To constitute removal of the sign, the face is covered, cleaned, or removed.
 2. Any sign that is declared to be an illegal sign, one that is erected or placed in violation of this Sign Code, or other applicable codes shall be removed immediately.
 3. When fifty (50) percent or more of the sign structure of any nonconforming sign is removed (including poles, cabinet or support structure), the sign structure shall only be replaced so as to comply with all applicable provisions of these regulations.
 4. Any sign or sign structure found by the Community Development Department to present an immediate danger to the public shall be immediately repaired or removed.
 5. Freestanding sign structures used in conjunction with a building or portion of a building that is vacant shall be considered as abandoned upon one (1) year of the building or portion of the building becoming vacant and shall be removed.
 6. The owner or lessee of the property on which the sign is located shall be responsible for its removal and shall be subject to the general penalties clause of the City's Zoning Regulations for failure to comply with the provisions stated herein.

Section 11. 17.07.11-17.07.99 Reserved.

Section 12. This Ordinance shall take effect and be in force from and after its passage, approval, and publication once in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Valley Center, Kansas, this 16th day of April 2019.

First Reading: April 02, 2019

Second Reading: April 16, 2019

Laurie Dove, Mayor

ATTEST:

Kristi Carrithers, City Clerk

{SEAL}